

REMARKS

In the Office Action, claims 1-12 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 6,120,029 to Carmichael, et al. (Carmichael). Claims 1-12 were rejected, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Carmichael. In this Amendment, Applicant has amended claims 1, 3 and 7, and added claims 33-34. However, Applicant has not canceled any claim. Accordingly, claims 1-12 and 33-34 will be pending in the application upon entry of this Amendment.

I. Rejection of Claims 1-6 under §§ 102(b) and 103(a).

Claims 1-6 were rejected under §102(b) as being anticipated by Carmichael. In the alternative, claims 1-6 were rejected under §103(a) as being unpatentable over Carmichael. Claims 2-6 are dependent on claim 1. Claim 1 recites a board game. The board game has several game pieces and a game board. The game board includes an inner play area and an outer play area. A first game piece is positioned within the inner play area, and a second game piece is positioned within the outer play area. The second game piece within the outer play area moves from a first to a second position. The second position determines for the first game piece, a game piece type from a set of game piece types. The game piece type determines a set of attributes for the first game piece and the set of attributes defines the first game piece.

Applicant respectfully submits that Carmichael does not disclose, teach, or even suggest such a board game. Carmichael illustrates a method of teaching chess. In Carmichael, the moves of a peripheral piece, particularly along a “track,” affect the moves of other pieces on Carmichael’s game board. However, Carmichael does not disclose, teach, or even suggest that the second position of a second game piece determines for a first game piece, a game piece type from a set of game piece types. The game piece type determines a set of attributes for the first game piece and the set of attributes defines the first game piece. In other words, the movements of some pieces in Carmichael affect the movements of other pieces, but these movements do not affect the nature, i.e., the type and

attributes of another piece. Example

Accordingly, Applicant respectfully submits that Carmichael neither anticipates, nor otherwise renders invalid, claim 1. Since claims 2-6 are dependent upon claim 1, Applicant respectfully submits that Carmichael neither anticipates, nor otherwise invalidates claims 2-6 for at least the reasons discussed above. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §102(b) and §103(a) rejections of claims 1-6.

II. Rejection of Claims 7-12 under §§ 102(b) and 103(a)..

Claims 7-12 were rejected under §102(b) as being anticipated by Carmichael. In the alternative, claims 7-12 were rejected under §103(a) as being unpatentable over Carmichael. Claims 8-12 are dependent on claim 7. Claim 7 recites a board game having a game board configured as a grid. The grid includes an inner play area that has an inner portion of the grid, and an outer play area that has an outer portion of the grid. The board game also has several game pieces. The game pieces include several inner game pieces associated with the inner play area. Each inner game piece includes a corresponding functionality. The game pieces also include at least one outer game piece associated with the outer play area. A position of the outer game piece within the outer play area determines a mode of operation of an inner game piece within the inner play area. The position of the outer game piece determines for the inner game piece, a game piece type from a set of game piece types. The game piece type determines a set of attributes for the first game piece. The set of attributes defines the first game piece. The set of attributes is independent of the particular circumstances of a particular instance of game play.

Applicant respectfully submits that Carmichael does not disclose, teach, or even suggest such a board game. Carmichael illustrates a method of teaching chess. In Carmichael, the moves of a peripheral piece, particularly along a “track,” affect the moves of other pieces on Carmichael’s game board. However, Carmichael does not disclose, teach, or even suggest that the position of an outer game piece determines for an inner game piece, a game piece type from a set of game piece types. The game piece type determines a set of attributes for the first game piece. The set of attributes

defines the first game piece. Moreover, the set of attributes is independent of the particular circumstances of a particular instance of game play. In other words, the movements of some pieces in Carmichael affect the movements of other pieces, but these movements do not affect the nature, i.e., the type and attributes of another piece, which are independent of the particular circumstances during game play.

Accordingly, Applicant respectfully submit that Carmichael neither anticipates, nor otherwise renders invalid, claim 7. Since claims 8-12 are dependent upon claim 7, Applicant respectfully submits that Carmichael neither anticipates, nor otherwise invalidates claims 8-12 for at least the reasons discussed above. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §102(b) and §103(a) rejections of claims 7-12.

III. New Dependent Claims 33-34.

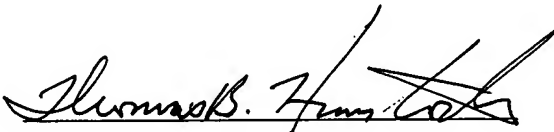
Applicant has added new dependent claims 33-34. Claims 33-34 are dependent on claim 1. Accordingly Applicant respectfully submits that Carmichael does not disclose, teach, or even suggest claims 33-34 for at least the reasons discussed above in relation to claim 1. In view of the foregoing, Applicant respectfully requests examination and allowance of new dependent claims 33-34.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all claims, namely claims 1-12 and 33-34, are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date. The Examiner is encouraged to call the undersigned at (408) 530-9700, with questions or comments so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8-31-05

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

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